

**NOT FOR PUBLICATION**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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ERRON A.,

Petitioner,

v.

THOMAS DECKER, KIRSTJEN  
NIELSON, JEFFERSON B. SESSIONS  
III and UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY,

Respondents.

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Civil Action No. 18-13149 (JMV)

**ORDER**

On August 24, 2018, Petitioner, an immigration detainee held in Bergen County Jail in Hackensack, New Jersey, filed a petition, *pro se*, under 28 U.S.C. § 2241 (hereinafter the “Petition”), challenging his prolonged detention by the U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1.) Petitioner avers that he has been in the custody of ICE for approximately three years and five months. (*Id.* at PageID: 2.)

On September 4, 2018, the Court administratively terminated this matter because Petitioner failed to submit the required filing fee or a properly completed application to proceed without prepayment of fees (“*in forma pauperis*” or “IFP”) when he filed his Petition. (ECF No. 2.) On September 10, 2018, Petitioner filed an application to proceed *in forma pauperis*. (ECF No. 3.) Based on the affidavit and other documents submitted in support of that application, the Court finds that Petitioner has sufficiently demonstrated that he is indigent. *See* L. Civ. R 81.2(c). As such, Petitioner’s request to proceed IFP will be granted.

In addition, the Court has now examined the Petition in accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b), and concludes that it does not “plainly appear[] from the [P]etition and any attached exhibits that the [P]etitioner is not entitled to relief[.]” Therefore,

**IT IS**, on this 24<sup>th</sup> day of September, 2018,

**ORDERED** that the Clerk shall re-open this matter; and it is further

**ORDERED** that Petitioner’s request to proceed *in forma pauperis* (ECF No. 3) is **GRANTED**; and it is further

**ORDERED** that Respondents Thomas Decker, Kirstjen M. Nielson, Jefferson B. Sessions III, and United States Department of Homeland Security are dismissed with prejudice. The sole proper respondent in a petition brought under 28 U.S.C. § 2241 is the warden of the facility where the detainee is currently being held, *i.e.*, Steven Ahrendt. *See Rumsfeld v. Padilla*, 542 U.S. 426, 436 (2004); *Yi v. Maugans*, 24 F.3d 500, 507 (3d Cir. 1994); and it is further

**ORDERED** that the Clerk shall add “Steven Ahrendt, Warden of Bergen County Jail” as a Respondent; and it is further

**ORDERED** that the Clerk shall serve copies of the Petition and this Order upon Respondent by regular mail, with all costs of service advanced by the United States; and it is further

**ORDERED** that the Clerk shall forward a copy of the Petition and this Order to the Chief of the Civil Division, United States Attorney’s Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

**ORDERED** that, within forty-five (45) days after the date of entry of this Order, Respondent shall electronically file an answer to the Petition; and it is further

**ORDERED** that Petitioner may file and serve a reply within thirty (30) days after the answer is filed; and it is further

**ORDERED** that within seven (7) days of Petitioner's release, by parole or otherwise, as well as any change in the basis for Petitioner's immigration detention, Respondent shall electronically file a written notice of the same with the Clerk of the Court; and it is further

**ORDERED** that the Clerk of the Court shall serve a copy of this Order on Petitioner by regular U.S. mail.

s/ John Michael Vazquez  
JOHN MICHAEL VAZQUEZ  
United States District Judge